

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES WATKINS,
Plaintiff,
v.
CALEB CARR, *et al.*,
Defendant

Cause No. C20-1416RSL

ORDER OF REMAND

This matter comes before the Court on “Plaintiff’s Motion to Remand.” Dkt. # 8. The motion is GRANTED. Under Washington law, a lawsuit commences and the Court’s jurisdiction attaches when the complaint is filed or the summons is served, whichever occurs first. *Gerean v. Martin-Joven*, 108 Wn. App. 963, 968 (2001); RCW 4.28.020. Defendant Derek Martin does not dispute that he was served with summons on August 24, 2020, and admits that he did not relocate to Colorado until the beginning of September 2020. Dkt. # 8 at 13; Dkt. # 12 at 5. Because the domicile of the parties for diversity purposes is determined at the time the case commences, diversity jurisdiction does not exist. The Court therefore lacks the power to hear this case or to consider defendants’ pending “Motion to Stay Proceedings and Compel Arbitration.” Dkt. # 5.

ORDER OF REMAND - 1

1 The Clerk of Court is directed to remand this case to the King County Superior Court.
2 Plaintiff's request for an award of fees and costs is DENIED.
3

4 Dated this 12th day of November, 2020.

5 Robert S. Lasnik

6 Robert S. Lasnik
7 United States District Judge